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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/035,707	12/26/2001	DeWayne L. Hays	MET580/4-1	4190

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VINSON & ELKINS L.L.P. 1001 FANNIN STREET 2300 FIRST CITY TOWER HOUSTON, TX 77002-6760		

EXAMINER	
SHECHTMAN, CHERYL MARIA	

ART UNIT	PAPER NUMBER
2163	

MAIL DATE	DELIVERY MODE
07/17/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/035,707

Applicant(s)

HAYS ET AL.

Examiner

Cheryl M. Shechtman

Art Unit

2163

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 49-55, 57-67 and 69-73 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 49-55, 57-67 and 69-73 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is in response to Amendment filed April 13, 2007. Claims 49-55, 57-67, and 69-73 are pending. 1-48, 56, and 68 have been cancelled.

Response to Arguments

2. Referring to the 35 USC 112 second paragraph rejections of claims 53-60, Applicant's amendments to the claims are acknowledged. However, Applicant's amendments to the claims now raise new 35 USC 112 second paragraph deficiencies as addressed below.

3. Applicant's arguments, see page 3 of Arguments section, filed April 13, 2007, with respect to the claims have been fully considered and are persuasive. The 35 USC 102 and 103 rejections of the claims have been withdrawn.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 49-55, 57-67, and 69-73 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Referring to claims 49, 61, and 73, specifically, the limitation "a processing unit *capable of* electronic communication through a computer network with at least one

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remote computer...”, it is unclear as to what the Applicant's intended metes and bounds of the claim are since the claim appears to cover anything and everything that does not prohibit the capability of electronic communication through a computer network with at least one remote computer. Examiner submits that simply making the processing unit capable of electronic communication through a computer network with at least one remote computer does not necessitate electronic communication through a computer network with at least one remote computer from taking place and as such does not cause any such functionality to occur within the electronic security system.

Referring to claims 49 and 61, specifically, the limitation “wherein said system is *adapted to not accept timekeeping data entered ...*”, it is unclear as to what the Applicant's intended metes and bounds of the claim are since the claim appears to cover anything and everything that does not prohibit accepting timekeeping data entered. Examiner submits that simply making the system adapted to not accepting timekeeping data entered does not necessitate the action from taking place and as such does not cause any such functionality to occur within the electronic security system.

Referring to claim 61, specifically, the limitations “wherein said processing unit is *adapted to receive security data entered*” and “*adapted to receive timekeeping data*”, it is unclear as to what the Applicant's intended metes and bounds of the claim are since the claim appears to cover anything and everything that does not prohibit receiving security and timekeeping data. Examiner submits that simply making the system

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adapted to receiving security and timekeeping data does not necessitate the receiving of security and timekeeping data from taking place and as such does not cause any such functionality to occur within the electronic security system

Referring to claims 57 and 69-72, it is unclear as to which claim limitations are encompassed by the claims since they depend from cancelled claims. Correction of the claims is required. [For purposes of examination, claim 57 will be assumed to depend from claim 49, and claim 69 will be assumed to depend from claim 61].

Due to the 35 USC 112 rejections above, the claims are examined as best understood by the examiner.

Allowable Subject Matter

5. Claims 49-55, 57-67, and 69-73 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

The following is a statement of reasons for the indication of allowable subject matter:

Referring to claim 49, Lim discloses a method of providing private security services comprising:

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- providing an electronic security system comprising a processing unit capable of electronic communication through a computer network with at least one remote computer located at one or more remote locations, said security system further comprising at least one storage device for receiving and storing information pertaining to private security services provided at said one or more remote locations by one or more private security officers;
- receiving security data entered into said at least one remote computer at one or more remote locations by said one or more private security officers, said security data pertaining to at least one security related event; and
- receiving timekeeping data pertaining to a portion of one or more security officer's work shifts at a remote location.

Referring to claim 49, Nickerson discloses submitting reports concerning a particular website.

Neither Lim taken either alone or in obvious combination disclose all the claimed features of applicant's instant invention, specifically including: *not accepting timekeeping data entered into said at least one remote computer by said security officer without first receiving said security data from said security officer.*

Also, there is no motivation to combine Nickerson to meet these limitations. It is for these reasons that applicant's invention defines over the prior art of record.

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Claims 50-55 and 57-60 depend from claim 49 and therefore also contain allowable subject matter.

Claim 61 is similar to claim 49 and contains the allowable subject matter of claim 49 addressed above.

Claims 62-67 and 69-72 depend from claim 61 and therefore also contain allowable subject matter.

Referring to claim 73, Lim discloses a method of providing private security services comprising:

- providing an electronic security system comprising a processing unit capable of electronic communication through a computer network with one or more remote computers located at one or more remote locations, said security system further comprising at least one storage device for receiving and storing information pertaining to private security services provided at said one or more remote locations by one or more private security officers;
- receiving security data entered into one or more remote computers at one or more remote locations by said one or more private security officers, said security data pertaining to at least one security related event;
- receiving timekeeping data pertaining to a portion of one or more security officer's work shifts at a remote location, wherein said timekeeping data further comprises clock-in and clock-out data pertaining to a beginning of a work-shift and clock-out data pertaining to an end of the work shift; and

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- daily activity reports.

Referring to claim 73, Frankel discloses using a graphical user interface for entering security data in the form of a web site and report templates having one or more data fields for security data.

Referring to claim 73, Collado discloses using a graphical user interface for entering time-keeping data.

Referring to claim 73, Nickerson discloses submitting reports concerning a particular website.

Neither Lim taken either alone or in obvious combination disclose all the claimed features of applicant's instant invention, specifically including: *refusing to allow said security officer to log out of the system until a daily activity report has been submitted.*

Also, there is no motivation to combine Frankel, Collado, or Nickerson to meet these limitations. It is for these reasons that applicant's invention defines over the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

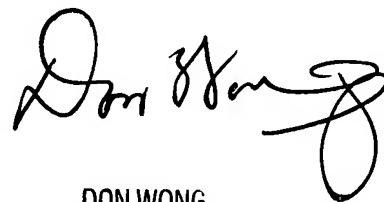
Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheryl M Shechtman who can be reached on (571) 272-4018. The examiner can normally be reached on 9:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on (571) 272-1834. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CMS
July 7, 2007



DON WONG
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